

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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Flanagan, as Trustee of The General Building	:	CV:18-1303(JS)(AKT)
Local 66 Vacation Fund, <i>et al.</i> ,	:	
Plaintiff,	:	Affidavit in Support of
- against -	:	Motion to Withdraw as
	:	Attorney of Record
William G. Trophy LLC, d/b/a WGP	:	
Contracting Inc. and William G. Proefriedt,	:	
	:	
Defendants.	:	
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STATE OF NEW YORK)
) ss.:
COUNTY OF SUFFOLK)

SCOTT MICHAEL MISHKIN, ESQ., an attorney duly admitted to practice in the Eastern District of New York and the Courts of the State of New York, affirms that the following statements are true under the penalties of perjury:

1. I am a member of the Firm of SCOTT MICHAEL MISHKIN, P.C., and have been retained to represent the Defendants William G. Trophy LLC, d/b/a WGP Contracting Inc. and William G. Proefriedt and as such, I am fully familiar with the facts and circumstances herein from review and handling of the file maintained by this office.

2. That on June 18, 2018, a fully executed Retainer Agreement was agreed to between Defendants and myself.

3. That Defendants were fully aware of all the terms and conditions of said Retainer Agreement prior to signing it, as all of said terms and conditions were reviewed with Defendants and confirmation of Defendants' understanding of said terms and conditions were acknowledged by Defendants prior to his execution of his complete understanding of his retainer agreement with Scott Michael Mishkin PC.

4. That subsequent to the execution of his retainer agreement with Scott Michael Mishkin PC, it has become crystal clear that Defendants and I no longer share the trust of the attorney client relationship, in that Defendants continues to disregard my legal opinion and as a result of Defendants' mistrust and/or complete disregard to legal advice, has caused our attorney client relationship to become argumentative and continuously confrontational.

5. Despite ongoing attempts to continuously advise Defendants on their matter and what is in their best interest, as well as procedure, Defendants' ongoing actions contradict my legal advice, and good faith efforts, including but not limited to being continuously harassed by defendants, their willfully conjuring up deliberate and false allegations of statements never made by me and referring to me as a coward. This harassment by defendants has been ongoing throughout this Firm's six (6) months of representation.

6. Despite my ongoing attempts to have Defendants stop their harassment against me, including several meetings in my office, telephone requests, e-mails, the harassment continues and has worsened.

7. Defendants and I no longer have a meeting of the minds pertaining to this matter, despite always having their best interest first and working diligently.

8. Despite my continuous attempts to assure Defendants that I have always had their best interest first, Defendants' adverse actions against me have demonstrated that they do not care about my legal opinion and/or strives taken to in representation.

9. Defendants' unwarranted and unfounded mistrust of this Firm's representation demonstrates the destruction of our attorney client relationship, and Defendants have went as far as accusing the undersigned and this office of working for the Plaintiffs.

10. As such, I can no longer be subject to defendants' ongoing harassment of me and the members of Scott Michael Mishkin PC and am respectfully requesting that Scott Michael Mishkin PC, be relieved as Defendants' attorneys of record.

11. The status of this matter is that the parties are in the negotiation of the Auditors findings with the next court conference scheduled for February 20, 2019.

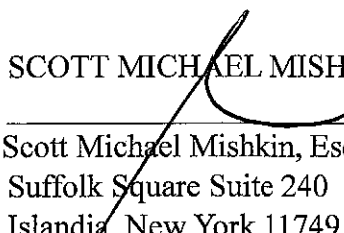
12. Pursuant to the parties Retainer Agreement, Scott Michael Mishkin PC will seek its outstanding fees for work performed through Part 137 of the Rules of the Chief Administrator of the Courts (22 NYCRR).

13. This is the first application in this matter by Defendants' counsel.

WHEREFORE, I respectfully request that this Motion be granted in its entirety and that Scott Michael Mishkin PC, be relieved as attorneys of record for Defendants as for and in regard to this matter.

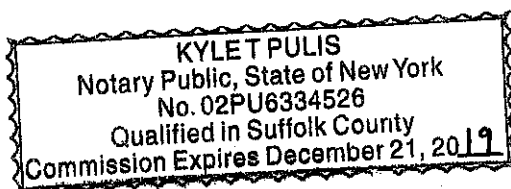
Dated: Islandia, New York
January 18, 2019

SCOTT MICHAEL MISHKIN, P.C.

By:  Scott Michael Mishkin, Esq. One
Suffolk Square Suite 240
Islandia, New York 11749
Telephone: (631) 234-1154
Facsimile: (631) 234-5048

Sworn to before me this
18th Day, January, 2019


Notary Public



To: William G. Proefriedt
WGP Contracting Inc
85 Sprucewood Road
West Babylon, New York 11707
billproef@aol.com